

R-75-206
-75-49

March 18, 1975

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Mr. Albert Firestein
Chief Civil Deputy
Maricopa County Attorney
101 West Jefferson
Phoenix, Arizona 85003

Dear Mr. Firestein:

Receipt is acknowledged of the copy of your letter (School Opinion No. 74-3), dated March 11, 1974, directed to Mr. William D. Lovett, Associate Superintendent of Mesa Public Schools, concerning the legality of the district paying a portion of the costs of a footbridge over the consolidate canal near one of their schools.

The office of the Attorney General agrees with your opinion.

Sincerely,

BRUCE E. BABBITT
Attorney General

C. HENRY WIDENMANN, JR.
Assistant Attorney General

CHW:lf

OFFICE OF THE MARICOPA COUNTY ATTORNEY

MOISE BERGER COUNTY ATTORNEY

400 SUPERIOR COURT BUILDING, 101 W. JEFFERSON, PHOENIX, ARIZONA



March 11, 1974

Mr. William D. Lovett
Associate Superintendent
Mesa Public Schools
549 North Stapley Drive
Mesa, Arizona 85203

School Opinion No. 74-3

Dear Mr. Lovett:

This letter is in response to your request for an opinion of this office with regard to the legality of the district paying a portion of the costs of a footbridge over the consolidated canal in the area of Stapley Drive and Lindsay Road.

I understand the facts as follows. You have a substantial number of students who would be using this footbridge for the reason that there is no vehicular bridge over the canal within a reasonable distance of the school. That the bridge would be in an area near the school and the use of the bridge would save substantial amounts of money in that the students would not have to be picked up by the school bus. You estimate that the savings in one year would amount to the district's portion of the cost of this project.

Authority for this expenditure could come from A.R.S. §15-1237. This allows the board to improve a public way adjacent to any school land. This does not require the improvement to actually touch the school property, it is sufficient if it is in the neighborhood or within a reasonable distance of the school. See ex-parte Jefferson Co., 146 So. 827.

It is my opinion that this proposed expenditure qualifies within the statute.

A copy of this opinion is being sent to the Attorney General for concurrence, and I suggest that you defer any final action until the Attorney General has ruled.

Very truly yours,

MOISE BERGER
MARICOPA COUNTY ATTORNEY

BY

Albert I. Firestein

ALBERT I. FIRESTEIN
CHIEF CIVIL DEPUTY

cc: Attorney General